

**PLANNING AND ZONING COMMISSION
AUGUST 26, 2015
CITY HALL'S COUNCIL CHAMBERS @ 5:00 P.M.**

P&Z PRESENT

Ned Sheats
Carlos Lopez
Diana Yzaguirre
Julio Cerda

P&Z ABSENT

Marisela Marin
Mario Garza
John Guerra

STAFF PRESENT

J.P. Terrazas
Susana De Luna
Patricio Martinez
Daniel Tijerina

GUESTS PRESENT

Amelia Gonzalez
Rene Gonzalez
Arturo Garcia
Mario E. Cepeda
Jose J. & Hilda R. Gonzalez
Dan & Martha Hamilton
Jesus Ruiz

CALL TO ORDER

Chairman Ned Sheats called the meeting to order at 5:14 p.m.

CITIZENS PARTICIPATION

Chairman Sheats asked if there was any citizen's participation.

There was none.

APPROVAL OF MINUTES FOR AUGUST 12, 2015

Chairman Sheats asked if there were any corrections to the minutes for August 12, 2015. Mr. Julio Cerda moved to approve the minutes as presented. Ms. Diana Yzaguirre seconded the motion. Upon a vote, the motion passed unanimously.

Chairman Sheats mentioned that all 4-Board members present need to vote in order for an item to pass or be denied for either or all items. He added that for all items P&Z is first step in the process but City Council was always available and it was usually seen in two weeks which would be September 14th. Chairman Sheats mentioned that they were also going to have a substitute presenter since Mr. Tijerina had an emergency and was not able to stay for the meeting.

Mr. J.P. Terrazas City Engineer presented himself to the Board. He advised that Board that Mr. Daniel Tijerina had an emergency and he would be covering the meeting for Mr. Tijerina.

Started: 5:15 p.m.

Ended: 5:18 p.m.

ITEM #1.1

Rezoning:

**3.92 acres out of Lot 205,
John H. Shary Subdivision
AO-I to C-3**

Sharyland Investors, LTD

Mr. J.P. Terrazas went over the write-up stating that the subject site is located at the SW corner of Grapefruit Avenue and Business Highway 83.

SURROUNDING ZONES: The surrounding zones include C-4 to the north, R-1 (Shary Crossing Subdivision) to the South, AO-I to the east, and C-3 to the west (Stripes and Advance Auto Parts)

EXISTING LAND USES: The surrounding land uses include commercial to the north and west, single family to the south, and vacant to the east.

FLUM: The Future Land Use Map reflects a General Commercial Designation (GC).

REVIEW COMMENTS: Based on the surrounding land uses and zones and on the FLUM designation, staff recommends approval.

RECOMMENDATION: Approval.

Chairman Sheats asked if there was any public opposition to the request.

There was no response.

Chairman Sheats asked if the applicant or representative were present.

There was no response.

There being no further discussion, Chairman Sheats entertained a motion. Mr. Julio Cerda moved to approve the rezoning as per staff's recommendations. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:18 p.m.

Ended: 5:26 p.m.

ITEM #1.2

Rezoning:

**The West 131.17' of the East 181.17'
of the South 129.93' of Lot 160,
Addition 'A' of Sharyland Orchards Subdivision
R-1A to C-2
Dan & Martha Hamilton**

Mr. J.P.Terrazas went over the write-up stating that the subject site is located at the SE corner area of Sunset Lane and Shary Road. There is a residential structure on the property at this time.

SURROUNDING ZONES: The surrounding zones include R-1A to the north, south, east, and west.

EXISTING LAND USES: The surrounding land uses include single family to the north, south, east, and west.

FLUM: The Future Land Use Map reflects a Lower Density Residential Designation (LDA).

REVIEW COMMENTS: Based on the surrounding land uses and zones and on the FLUM designation, staff recommends denial.

RECOMMENDATION: Denial.

Chairman Sheats asked if there was any public opposition to the request.

A show of hands indicated that there were 7 residents in opposition to this request.

Chairman Sheats asked if there was a designated spokesman for the residents.

Mr. Rene Gonzalez stated that his mother owns two lots in that area. He added that his mother lives in one lot and his sister lives in the other lot north of Sunset Lane. He added that they have lived in Sharyland for 45 years. Mr. Gonzalez stated that he was a law enforcement officer and goes up and down this road every day and the traffic there was already bad. He added that they didn't have enough parking not unless they were proposing to use Sunset Lane as parking which he didn't believe it should be used for parking. Mr. Gonzalez stated that he didn't think this property was suitable for commercial. He mentioned that he had spoken to some residents and the school about this meeting and they were not aware of this rezoning and were not very happy about it either. Mr. Gonzalez stated that every time they proposed to rezone the property for commercial they were going to oppose it.

Chairman Sheats asked if the applicant or representative were present.

Mr. Dan Hamilton stated that he disagreed with the arguments presented. Essentially they would like to rezone the property to a light commercial use which was C-2. He added that what they were trying to do is open up the possibility of allowing the rental of his property for a daycare center or low process office space such as an attorney office or something along those lines. With respect to parking, there is sufficient lot size there to accommodate a small in traffic or out traffic for the type of use being suggested. Mr. Hamilton stated that there was no real negative impact to surrounding properties. He mentioned that in the Shary Road corridor there was other commercial rezoning taking place that made him think that what he is proposing would be permitted. He added that it would increase the property values for the surrounding lots and it would not jeopardize in anyway their ingress egress concerns it wouldn't add to traffic issues or impact the school in anyway.

Chairman Sheats stated that unfortunately he couldn't agree with him because a daycare would create more traffic on Shary Road especially if it is operating at the same time as the school.

Mr. Hamilton stated that the daycare was just one suggestion. He added that this was an extremely large lot that was fence in all around. He added that there is sufficient parking for a safe drop off and pick up of children for a small daycare center or an attorney office, insurance office, income tax, etc. it would certainly not have detrimental impact as far as the volume of traffic than what we currently have right now.

Mr. Daniel Tijerina walked in at 5:26 p.m.

There being no further discussion, Chairman Sheats entertained a motion. Mr. Julio Cerda moved to deny the rezoning as per staff's recommendations. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed unanimously.

Chairman Sheats suggested to Mr. Hamilton that he get with his neighbors and find out what are their concerns and address them so that maybe in the future they might agree to the rezoning.

Started: 5:26 p.m.

Ended: 5:32 p.m.

ITEM #1.3

Conditional Use Permit:

**To Place Valeria's Tacos Mobile Food Unit
1801 W. Griffin Parkway, Ste. C
Lot 15, Southern Oaks Ph. I Subdivision
C-3
Mario Eden Cepeda**

Mr. J.P. Terrazas went over the write-up stating that the subject site is located at the SW corner of Inspiration Road and W. Griffin Parkway (F.M. 495). There are four suites within the plaza, three which are used in connection with Valeria's Bakery. The proposal is to move in a mobile food unit into one of the parking stalls abutting the primary building in front of Suite C.

There are two entrances/exits to the site, one off of Inspiration Road and one off of FM 495. The parking is held in common. There are a total of 38 parking spaces which meet code. There is an alley along the south boundary of the lot.

- Hours of operation: Every day from 11:00 a.m. to 12 a.m. (midnight)
- Menu: Tacos, hotdogs, nachos, hamburgers, and other similar items.
- Staff: 2 employees
- Parking: A minimum of 4 parking spaces are required for the portable building.

Should the CUP be approved, compliance with landscaping, lighting, re-striping the parking lot shall be required. The applicant will need to comply with all Fire, Health, Planning, and Inspections requirements. A Business License must be obtained prior to occupancy and operation of the mobile food unit too.

RECOMMENDATION: Staff recommends approval of the CUP for 1 year subject to compliance with all of the requirements outlined in the above paragraph.

Chairman Sheats asked if there was any public opposition to the request.

There was no response.

Chairman Sheats asked if the applicant or representative were present.

Mr. Mario Eden Cepeda who resides at 1812 Liz Drive in Mission was present to address any questions from the Board.

Chairman Sheats asked if there were any ADA parking requirements for this mobile food unit.

Mr. Daniel Tijerina stated that he had the opportunity to visit the area and they do have two ADA parking spaces in front of the bakery they just need to be re-striped. He added that this mobile food unit would not be parked in any ADA space.

There being no further discussion, Chairman Sheats entertained a motion. Ms. Diana Yzaguirre moved to approve the conditional use permit as per staff's recommendations including the relocation of the mobile food unit and the re-striping of the parking lot. Mr. Julio Cerda seconded the motion. Upon a vote, the motion passed unanimously.

Mr. Daniel Tijerina thanked Mr. J.P. Terrazas for helping him present the previous items.

Started: 5:32 p.m.

Ended: 5:41 p.m.

ITEM #1.4

Conditional Use Permit:

**To Place a 10' x 14' Portable Building
for Lynda's Sweets & Treats
4210 N. Inspiration Road
Lots 10 & 11, Alex Cavazos Subdivision
C-3
Cecilio Martinez, Jr.**

Mr. Daniel Tijerina went over the write-up stating that the subject site is located between Inspiration Road and Maria Street on the south side of Mile 3. Currently, there is a Drive-Thru Business on the premises. It is important to note that entrance to the drive-thru is derived off of Inspiration Road and exits onto Maria Street, a minor residential Street.

The ingress for the proposed portable building is off of Maria Street. This is a concern to staff since Maria Street is a minor residential street that serves the residents that live on that street. Also, in viewing the site plan, the entrance is just south of 3 Mile and Maria Street (NE corner area). This poses traffic safety concerns and increases the possibility of

vehicular accidents. Traffic then travels westward and exits onto Inspiration Road on to the northbound lane.

- Hours of Operation: Every day from 11:00 a.m. to 9:00 p.m.
- Menu: Sno-cones, corn, spiral potatoes, nachos, frito pies, chili fries, pickles, fruit cups, and other similar items.
- Staff: 2 employees
- Parking: A minimum of 4 parking spaces are required for the portable building and 4 parking spaces for the drive-thru as well.

The dimensions of the Lots are 82.48' x 96' in depth each or 7,918 sq.ft. per lot – total square feet for both lots is 15,836.16 square feet. The lots were laid out to face Inspiration and Maria Street when the plat was recorded in 1982. There is a 20' utility easement in the middle of the property (10' on each lot).

Should the CUP be approved, compliance with landscaping, lighting, striping the parking lot, and compliance with all setbacks shall be required. The minimum setback are 40' from the property line along 3 Mile, 20' from the property line along Inspiration Road, 10' along Maria Street, and 5' along the south boundary of the property.

RECOMMENDATION: Based on the traffic and safety concerns and the need to comply with parking, lighting, landscaping, and setbacks, staff recommends denial of the CUP.

Ms. Diana Yzaguirre asked if the traffic was coming from Inspiration Road would that help alleviate the traffic concern.

Mr. Tijerina stated that it would still be very close in his opinion because the traffic would be turning right and coming south to exit on Maria Street. He added that staff was recommending denial based on the location but if staff was inclined to approve the CUP then they could consider an alternative location and also the parking lot needs to be re-stripped or resurfaced.

Chairman Sheats asked if there was any public opposition to the request.

There was no response.

Chairman Sheats asked if the applicant or representative were present.

There was no response.

Mr. Julio Cerda suggested that maybe he could align the portable structure to the store because there was plenty of room where he could place the unit and comply with the setbacks.

Chairman Sheats suggested that maybe the item should be tabled so that staff can have the opportunity to get with the applicant.

There being no further discussion, Chairman Sheats entertained a motion. Mr. Julio Cerda moved to 'Table' the conditional use permit so that staff can get with the applicant to consider an alternative location within the property so that this item can be reconsidered. Ms. Diana Yzaguirre seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:41 p.m.

Ended: 5:49 p.m.

ITEM #2.0

Site Plan Approval:

Construction of 8 Apartments

Lot 18, Taurus Estates #10 Subdivision

R-3

Jesus Ruiz

Mr. Daniel Tijerina went over the write-up stating that the subject site is located at the NW corner of Hill Crest Drive and 2 Mile (frontage is to the north facing Miroslava Avenue).

PROPOSAL: To build a 2 story complex containing 6 two bedroom apartments and 2 one bedroom apartments for a total area of 5,914 sq.ft., all divided by 1 hr. rated firewalls.

SETBACKS: The minimum required setbacks based on the subdivision are: Front: 20', Rear: 20', Sides: 10'. All setbacks are being met.

PARKING: The 8 units require 16 parking spaces based on the 2:1 parking ratio.

LANDSCAPING: The ten percent landscaping requirement is a combination of trees and plants/shrubs. A minimum of 7 – 3" caliper shade trees are required to be planted within the landscape areas.

OTHER COMMENTS:

- Payment of Capital Sewer Recovery Fee in the amount of \$760 (4 two bedroom apartments x \$120 = \$480 and 2 one bedroom apartments x \$75 = \$150)
- Payment of Park Fees in the amount of \$2,400 (\$300/apartment)

RECOMMENDATION: Staff recommends approval subject to: 1) pay capital sewer recovery and park fees, 2) provide 7 – 3" caliper shade trees, and 3) install one light pole in the front and one in the rear parking area.

Chairman Sheats asked if there was any input from the Board.

There was no response.

Chairman Sheats asked if the applicant or representative were present.

Mrs. Laura Ruiz asked Mr. Tijerina she was under the impression that light poles would only be required when they were 10 units and she was only constructing 8 units or has that changed.

Mr. Tijerina stated that it had not changed it was at minimal every 10 parking stalls and she was proposing 8 in the front and 8 in the rear. He added that 10 was the norm.

Mrs. Ruiz stated that none of the neighbors have any light poles.

Mr. Tijerina stated that she was correct and the reason for that was because this ordinance was passed a couple of months ago.

Mrs. Ruiz stated that she had obtained mixed information from staff.

Mr. Tijerina stated that he would work with her on her proposal.

Chairman Sheats asked if there was going to be any landscaping.

Mrs. Ruiz replied, "Yes".

Mr. Tijerina stated that they were meeting the landscaping requirements.

Mr. Ruiz stated that there was plenty of green area all around the apartments.

Chairman Sheats asked if the areas on the east, west, north and south were all grass.

Mr. Tijerina replied, "Yes".

Chairman Sheats asked if there would be a cost involved to move the green area near the apartments rather than through all the asphalt. He mentioned that he understood that the green area was probably used for water detention.

Mr. Cerda stated that he rather used the space for paving and buildings as far as engineering for his plans. He added that as long as they area meeting all the requirements which was 10% then to him they are meeting the criteria.

Ms. Yzaguirre asked Mr. Tijerina if it was one light pole in the front and in the back for the all the area or was it one on each side.

Mr. Tijerina stated that it was one in the front and one in the rear for the parking area.

Ms. Yzaguirre asked if it was only two poles.

Mr. Tijerina replied, "Yes". He added that it was for safety and security on site.

Mr. Cerda asked Mr. Tijerina where was Hillcrest.

Mr. Tijerina mentioned that it was west of Inspiration Road.

Mr. Cerda asked if it was between Inspiration and Moorefield.

Mr. Tijerina replied, "Yes".

Mr. Cerda asked if it was where all the other apartments were.

Mrs. Ruiz mentioned that there was a big apartment complex in that area.

Mr. Cerda stated that just so that she starts liking staff because she didn't like the requirements sometimes you fall under different change of ordinances that you feel your neighbor should of have but hopefully she starts building soon because we need the apartments.

There being no further discussion, Chairman Sheats entertained a motion. Mr. Julio Cerda moved to approve the rezoning as per staff's recommendation. Ms. Diana Yzaguirre seconded the motion. Upon a vote, the motion passed unanimously.

**ITEM #3.0
OTHER BUSINESS**

**ITEM #4.0
ADJOURNMENT**

There being no further items for discussion, Mr. Carlos Lopez moved to adjourn the meeting. Mr. Julio Cerda seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 5:50 p.m.

Ned Sheats, Chairman
Planning and Zoning Commission